

Appl. No. 10/712,239
Atty. Docket No. 9103M
Amendment dated January 25, 2006
Reply to Office Action of October 28, 2005
Customer No. 27752

REMARKS

Claims 1-11 remain pending in the present application. Claim 1 has been amended per this response to clarify that the reinforcement means is located in the second region which includes the protrusion. Support for this amendment is found in the specification at page 8, lines 12-15. Claims 12-18 have been withdrawn from consideration as a result of a restriction requirement. Claim 19 has been canceled. No additional claims fee is believed to be due.

Claim Objections

The Office has objected to Claim 19 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Per this response, Claim 19 has been canceled.

Double Patenting

Claims 1 and 3 have been rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-12 and 31-34 of co-pending patent Application No. 10/648,942. Pursuant to M.P.E.P. §1490, Applicants enclose an appropriate Terminal Disclaimer compliant with 35 U.S.C. §253 and 37 C.F.R. §3.73.

Rejection Under 35 USC 102

The Examiner has rejected Claims 1-2 under 35 USC 102(e) over Brennan, et al., U.S. Patent No. 6,361,784. According to the Office Action, Brennan et al. discloses a nonwoven wipe suitable for use as a pre-moistened baby wipe comprised of thermoplastic fibers. The wipe is calendar-embossed with a pattern comprising a plurality of discrete icons. The reference further teaches that the embossed area is essentially equal to the land area of the embossing protrusions when calendar embossing is used. (Col. 8, lines 49-51) It is the Office's interpretation that the land areas of the Brennan reference equate to the first region of the present invention while the embossing protrusions equate to the second region of the present invention. The Office further contends that the use of calendar-embossing reads on the thermal bonding that locks the protruding elements.

The Applicant respectfully traverses this rejection made by the Office. In order to anticipate a claim, the reference must teach every element of the claim. MPEP §2131.

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"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Contrary to the Office's interpretation of *Brennan et al*, the embossing process disclosed therein does not result in protrusions as claimed in amended claim 1. The process disclosed therein results in an embossing pattern produced by thermal calendar bonding which involves feeding the nonwoven web into the nip of two counter-rotating calendar rollers, at least one of which is heated and comprises raised areas that compress and melt-bond adjacent fibers of the nonwoven web in the compressed regions. (Column 6, lines 53-64) Process produces compressed regions in plane the web as opposed to protrusions extending out of the plane of the web. Thus, compressed regions cannot be interpreted as protrusions as claimed in amended claim 1. In fact nothing in the process disclosed in *Brennan* results in protrusions in a second region as claimed in amended claim 1, much less protrusions including reinforcement means therein. Consequently, claim 1 and claim 2 depending therefrom are not anticipated by *Brennan, et al*.

Rejection Under 35 USC 103

The Examiner has rejected Claims 3-11 and 19 under 35 USC 103(a) over *Brennan, et al.*, U.S. Patent No. 6,361,784; and further in view of *Walton, et al.*, U.S. Patent No. 3,810,280).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. See *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992); MPEP § 2143.01. Second, there must be a reasonable expectation of success. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); MPEP § 2143.02. Third, the prior art reference or combined references must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981 (CCPA 1974); MPEP §2143.03. Furthermore, in establishing a *prima facie* case of obviousness, case law clearly places the "burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103." *In re Warner*, 379 F.2d 1011, 1016 (CCPA 1967).

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According to the Office, Brennan is silent to have a pattern including or containing furrows and ridges but Walton relates to longitudinal treatment to produce desired effects in thin materials such as woven, knitted and nonwoven fabrics yarns, among others. It is the Office's interpretation that the method taught by Walton using a drive surface comprising a surface having ridges and grooves provides the claimed furrows and ridges in the fabric and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the embossed areas of the Brennan web and provide them with the treatment taught by WALTON with the motivation of bulking or "blooming" the textile material in those areas as disclosed by WALTON (above).

Applicant respectfully traverses the Office's contention that the primary reference Brennan provides the necessary teachings for combining with Walton. The processes disclosed in each of the references are totally different. Brennan teaches a process for embossing a web which involves compressing a web normal to a surface of the web while Walton teaches a process for treating a web involving longitudinal compression or compression which is parallel to the surface of the web. Therefore, the necessary motivation for combining the teachings of the references fails to exist.

Even if the necessary motivation for combining the references existed, the combination does not teach a substrate comprising at least one first region and at least one second region, wherein the second region comprises protruding elements locked by a reinforcing means in the second region as claimed in amended claim 1. Consequently, the combination fails to teach all of the elements claimed in claims 3-11 which depend on claim 1.

The Examiner has also rejected Claim 1 under 35 USC 103(a) over Cabell, et al., U.S. Patent No. 6,458,447 B1. Applicant respectfully traverses the Office's rejection.

Cabell teaches a paper web comprising a plurality of first regions and a plurality of second regions. The first regions form boundaries separating the second regions. The first regions being substantially in a plane of the paper web. The second regions comprise a plurality of raised out-of-said plane rib-like elements. The rib-like elements may be embossed, debossed or a combination thereof (Col. 7, lines 37-51) Although the reference discloses laminates bonded by methods such as thermal bonding, pressure bonding, and

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Customer No. 27752

adhesive bonding, it does not teach or suggest having such bonds in the region of the rib-like elements in order to lock the rib-like elements. Consequently, Claim 1 is patentable over Cabell.

Conclusion

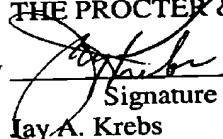
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-11.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

Jay A. Krebs

Registration No. 41,914

(513) 634-9959

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Customer No. 27752